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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/213,138

12/16/1998

GEORGE A. LOPEZ

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11/20/2006

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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/213,138

Applicant(s)

LOPEZ ET AL.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 15-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-17 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/28/06; 11/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

Claims 1-10, 15-17, and 19-25 are pending. This action is in response to the remarks received August 28, 2006.

Response to Arguments

The rejection of claims 1-10, 15-17, and 19-25 under 35 U.S.C. 102(e) as being unpatentable over Ferguson et al. (US 5,966,697) is maintained.

Applicant's arguments filed August 28, 2006 have been fully considered but they are not persuasive.

In response to the arguments concerning the previously rejected claims the following comments are made:

A.) Applicant alleges that the prior art made of record fails to teach third data representing an association between product and competing product. The examiner disagrees with applicant's representative since Ferguson teaches third data representing an association between product and competing product when he discloses user's data is stored in a user computer (col. 4, lines 12-57). In other words, Ferguson discloses storage of user's data in a user computer corresponds to the third data. This storage area in a user's computer permits the user to compare product (i.e. sweater) from merchant A and merchant B (i.e. competing product).

B.) Applicant alleges that the prior art made of record fails to teach a dynamic page file. The examiner disagrees with applicant's representative since Ferguson teaches a

dynamic page file when he discloses user selection data according to data stored information (col. 4, line 58 to col. 6, line 16). In other words, Ferguson discloses the user selection data stores information regarding products selected for purchase by a user. The user selection data includes a plurality of fields where each field specifies a pertinent piece of data within the user selection data. Dynamic page file offer the user the ability to interact. This interaction can take place in the form of a search for products, a questionnaire that automatically posts results or online polls. Basically, dynamic page file and content are generated from the input of the user.

C.) Applicant alleges that the prior art made of record fails to teach a product information server. The examiner disagrees with applicant's representative since Ferguson teaches a product information server when he discloses (col. 6, lines 40-67; fig. 1). In other words, Ferguson discloses interconnected via a network. Network such as the Internet has to have a server to transfer information. A server is a computer that delivers information and software to other computers linked by a network. Thus, figure 1 illustrated a server in an Internet environment wherein products from different merchants are obtained or displayed to users.

With regards to the claims rejected as taught by Ferguson, the examiner would like to point out that the reference teaches the claimed limitations and thus provides adequate support for the claimed limitations. Therefore, the examiner maintains that Ferguson taught the claimed limitations.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on August 28, 2006 and November 3, 2006 were filed after the mailing date of the February 27, 2006 on a non-final office action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 18 is objected to because of the following informalities: Claim 18 depends on claim 11 that is previously cancelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-10, 15-17, and 19-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (US 5,966,697).

Re claims **1, 15-16, and 19**, Ferguson teaches a system for browsing products using competitor information (figs. 2-3), the system comprising:

a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium (col. 4, lines 12-57);

a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium (col. 4, line 58 to col. 6, line 16); and

a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium (col. 6, lines 40-67; fig. 1). In other words, Ferguson discloses virtual stores for users to do comparison shop. A user is able to browse in a hyperlink style for products using competitor information.

Re claims **2-3**, Ferguson teaches a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium (col. 10, lines 21-40; fig. 3).

Re claim 4, Ferguson teaches an electronic store page having a hyperlink responsive to a customer selection of said hyperlink to generate said request (col. 9, lines 1-28).

Re claims 5-6, Ferguson teaches a customer browser which transmits said second data to said page server upon said selection of said hyperlink (fig. 5). In figure 5, Ferguson discloses hyperlink by permitting a customer to link all the merchants' products into one payment.

Re claims 7-10, 22, and 24, Ferguson teaches a method for locating information about a product using information about a corresponding product (fig. 4), the method comprising the steps of:

transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file (col. 9, lines 1-28;

receiving with said customer browser said corresponding product hyperlink (col. 12, lines 8-44);

displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink (figs. 8-9a and 10a); and

responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier (col. 13, lines 45-67). In other words, Ferguson discloses a user computer, a

checkout processor, and one or more merchant computers are interconnected via a network. A user first selects a merchant and receives product information from the merchant. The user may select products from the merchant along with options for the selected items from multiple merchants.

Re claims **17, 20-21, 23, and 25**, Ferguson teaches a computer readable medium storing instructions and e-store dynamic page file (figs. 1 and 8-10e).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hill, US 5,970,471

Schachne et al., US 2001/0042020

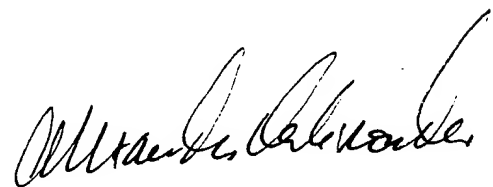
Jacobi et al, US 6,317,722

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
11/09/2006



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER